

Superseded 5/12/2015

63F-1-206 Rulemaking -- Policies.

- (1)
- (a) Except as provided in Subsection (2), in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the chief information officer shall make rules that:
 - (i) provide standards that impose requirements on executive branch agencies that:
 - (A) are related to the security of the statewide area network; and
 - (B) establish standards for when an agency must obtain approval before obtaining items listed in Subsection 63F-1-205(1);
 - (ii) specify the detail and format required in an agency information technology plan submitted in accordance with Section 63F-1-204;
 - (iii) provide for standards related to the privacy policies of websites operated by or on behalf of an executive branch agency;
 - (iv) provide for the acquisition, licensing, and sale of computer software;
 - (v) specify the requirements for the project plan and business case analysis required by Section 63F-1-205;
 - (vi) provide for project oversight of agency technology projects when required by Section 63F-1-205;
 - (vii) establish, in accordance with Subsection 63F-1-205(2), the implementation of the needs assessment for information technology purchases; and
 - (viii) establish telecommunications standards and specifications in accordance with Section 63F-1-404.
 - (b) The rulemaking authority in this Subsection (1) is in addition to any other rulemaking authority granted by this title.
- (2)
- (a) Notwithstanding Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and subject to Subsection (2)(b), the chief information officer may adopt a policy that outlines procedures to be followed by the chief information officer in facilitating the implementation of this title by executive branch agencies if the policy:
 - (i) is consistent with the executive branch strategic plan; and
 - (ii) is not required to be made by rule under Subsection (1) or Section 63G-3-201.
 - (b)
 - (i) A policy adopted by the chief information officer under Subsection (2)(a) may not take effect until 30 days after the day on which the chief information officer submits the policy to:
 - (A) the governor; and
 - (B) all cabinet level officials.
 - (ii) During the 30-day period described in Subsection (2)(b)(i), cabinet level officials may review and comment on a policy submitted under Subsection (2)(b)(i).
- (3)
- (a) Notwithstanding Subsection (1) or (2) or Title 63G, Chapter 3, Utah Administrative Rulemaking Act, without following the procedures of Subsection (1) or (2), the chief information officer may adopt a security procedure to be followed by executive branch agencies to protect the statewide area network if:
 - (i) broad communication of the security procedure would create a significant potential for increasing the vulnerability of the statewide area network to breach or attack; and
 - (ii) after consultation with the chief information officer, the governor agrees that broad communication of the security procedure would create a significant potential increase in the vulnerability of the statewide area network to breach or attack.

- (b) A security procedure described in Subsection (3)(a) is classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.
- (c) The chief information officer shall provide a copy of the security procedure as a protected record to:
 - (i) the chief justice of the Utah Supreme Court for the judicial branch;
 - (ii) the speaker of the House of Representatives and the president of the Senate for the legislative branch;
 - (iii) the chair of the Board of Regents; and
 - (iv) the chair of the State Board of Education.